

334
BILL NO. Z-88-04-10

ZONING MAP ORDINANCE NO. Z-

11-88

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated a B-3-B (General Business) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

Lot 70 Together with Part of Lot 58, 63, 64, 69, 75 and
76 in Home Gardens Addition, a subdivision in the East
one-half of the Southwest Quarter of Section 25,
Township 30 North, Range 12 East, in Allen County,
Indiana, in particular described as follows to-wit:

Commence on the East line of Lot 76 at a point situated
40 feet North of the centerline of the Tillman Road;
thence West and parallel to said Tillman Road
centerline, a distance of 240.0 feet; thence North and
parallel to the East line of Lots 76 and 75, a distance
of 187.7 feet to the North line of said Lot 75; thence
West along the North line of said Lot 75, a distance of
173.0 feet to the East line of John Street as in said
Plat recorded; thence North along the East line of said
John Street, a distance of 421.1 feet to the corner
cut-off as established by State Highway Plans U Project
#575 Sec. 12 (1954) as situated 25 feet East of Line S-
31-D at Plan Station 3+30; thence Northeasterly along
said corner cut, a distance of 40.0 feet to the
Southwesterly 87 feet R/W line of U.S. Highway #27 at
Plan Station 893+60; thence Southeasterly along said 87
feet R/W line (South 55 degrees 33 minutes East SHD), a
distance of 469.4 feet to the East line of Lot 69 in
said Home Gardens Addition; thence South along the East
line of Lots 69, 70, 75 and 76 in said Addition, a
distance of 350.5 feet to the point of beginning;
containing 3.81 acres of land, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. N-
27, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet H. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Bradbury,
seconded by Stier, and duly adopted, read the second time by
title and referred to the Committee on Regulation (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on _____, 19____, the _____ o'clock _____ M., E.S.T.
of _____, at _____

DATE: 4-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Read,
seconded by Talarico, and duly adopted, placed on its
passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u> </u>	<u> </u>	<u> </u>	<u>3</u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u>BURNS</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GIAQUINTA</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u>HENRY</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 8-9-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 3-11-88
on the 9th day of August, 1988,

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 10th day of August, 1988,
at the hour of 11:00 o'clock 4 .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of August,
1988, at the hour of 2:15 o'clock P .M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 2768

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

DOLLARS

100

AUTHORIZED SIGNATURE

SUPPLEMENT TO ORIGINAL PETITION

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

Allen County Ford Proposed Purchaser
/We H & L Realty Company, Will S. Winders, Dorothy I. Winders, Frank Simon, Earl Saylor
and Bertha P. Saylor (Applicant's Name or Names)

I hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an B1B RB District to a/an B3B
District the property described as follows:

Lot 70 Together with Part of Lots 58, 63, 64, 69, 75, and 76 in HOME
GARDENS ADDITION, a subdivision in the East one-half of the South-west
Quarter of Section 25, Township 30 North, Range 12 East, in Allen County,
Indiana, in particular described as follows to-wit:

Commence on the East line of Lot 76 at a point situated 40 feet North of
the centerline of the Tillman Road; thence West and parallel to said
Tillman Road centerline, a distance of 240.0 feet; thence North and
parallel to the East line of Lots 76 and 75, a distance of 187.7 feet to
the North line of said Lot 75; thence West along the North line of said

Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

903 East Tillman Road, 7200 & 7300 John Street. See survey attached.

General Description for Planning Staff Use Only)

/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.

<u>H & L Realty Company</u>	<u>3526 Stellhorn Road</u>	<u>BY</u>
<u>Will S. Winders</u>	<u>7311 John Street</u>	_____
<u>Frank Simon</u>	<u>1133 West Packard Avenue</u>	_____
(Name)	(Address)	(Signature)

If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the
ordinance be taken under advisement shall be filed in writing and be submitted
to the City Plan Commission prior to the legal notice pertaining to the ordinance
being sent to the newspaper for legal publication. If the request for deferral,
continuance or request that ordinances be taken under advisement is received
prior to the publication of the legal ad being published the head of the Plan
Commission staff shall not put the matter on the agenda for the meeting at which
it was to be considered. The Plan Commission staff will not accept request
from petitioners for deferrals, continuances, withdrawals, or requests that an
ordinance be taken under advisement, after the legal notice of said ordinance
is forwarded to the newspaper for legal publication but shall schedule the matter
for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>John M. Clifton</u>	<u>P. O. Box 2263, Fort Wayne</u>	<u>423-9551</u>
<u>Barrett & McNagny</u>	<u>(Address & Zip Code)</u>	<u>(Telephone Number)</u>
(Name)	Indiana 46801	

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing
approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

~~Lot 75, a distance of 173.0 feet to the East line of John Street as in said Plat recorded; thence North along the East line of said John Street, a distance of 421.1 feet to the corner cut-off as established by State Highway Plans U Project #575 Sec.12 (1954) as situated 25 feet East of Line S-31-D at Plan Station 3+30; thence Northeasterly along said corner cut, a distance of 40.0 feet to the Southwesterly 87' R/W line of U.S. Highway #27 at Plan Station 893+60; thence Southeasterly along said 87' R/W line (South 55 degrees 33 minutes East SHD), a distance of 469.4 feet to the East line of Lot 69 in said HOME GARDENS ADDITION; thence South along the East line of Lots 69, 70, 75, and 76 in said Addition, a distance of 350.5 feet to the point of beginning; containing 3.81 Acres of land, more or less.~~

Owners of Property

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE
this form is to be filed in duplicate.

NOTICE:
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

LEGAL DESCRIPTION ONLY

Lot 70 Together with Part of Lots 58, 63, 64, 69, 75, and 76 in HOME GARDENS ADDITION, a subdivision in the East one-half of the South-west Quarter of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, in particular described as follows to-wit:

Commence on the East line of Lot 76 at a point situated 40 feet North of the centerline of the Tillman Road; thence West and parallel to said Tillman Road centerline, a distance of 240.0 feet; thence North and parallel to the East line of Lots 76 and 75, a distance of 187.7 feet to the North line of said Lot 75; thence West along the North line of said Lot 75, a distance of 173.0 feet to the East line of John Street as in said Plat recorded; thence North along the East line of said John Street, a distance of 421.1 feet to the corner cut-off as established by State Highway Plans U Project #575 Sec.12 (1954) as situated 25 feet East of Line S-31-D at Plan Station 3+30; thence Northeasterly along said corner cut, a distance of 40.0 feet to the Southwesterly 87' R/W line of U. S. Highway #27 at Plan Station 893+60; thence Southeasterly along said 87' R/W line (South 55 degrees 33 minutes East SHD), a distance of 469.4 feet to the East line of Lot 69 in said HOME GARDENS ADDITION: thence South along the East line of Lots 69, 70, 75, and 76 in said Addition, a distance of 350.5 feet to the point of beginning; containing 3.81 Acres of land, more or less.

IN WITNESS WHEREOF, I place my hand
and seal this 18th day of March 1988.

Wm S. Davis



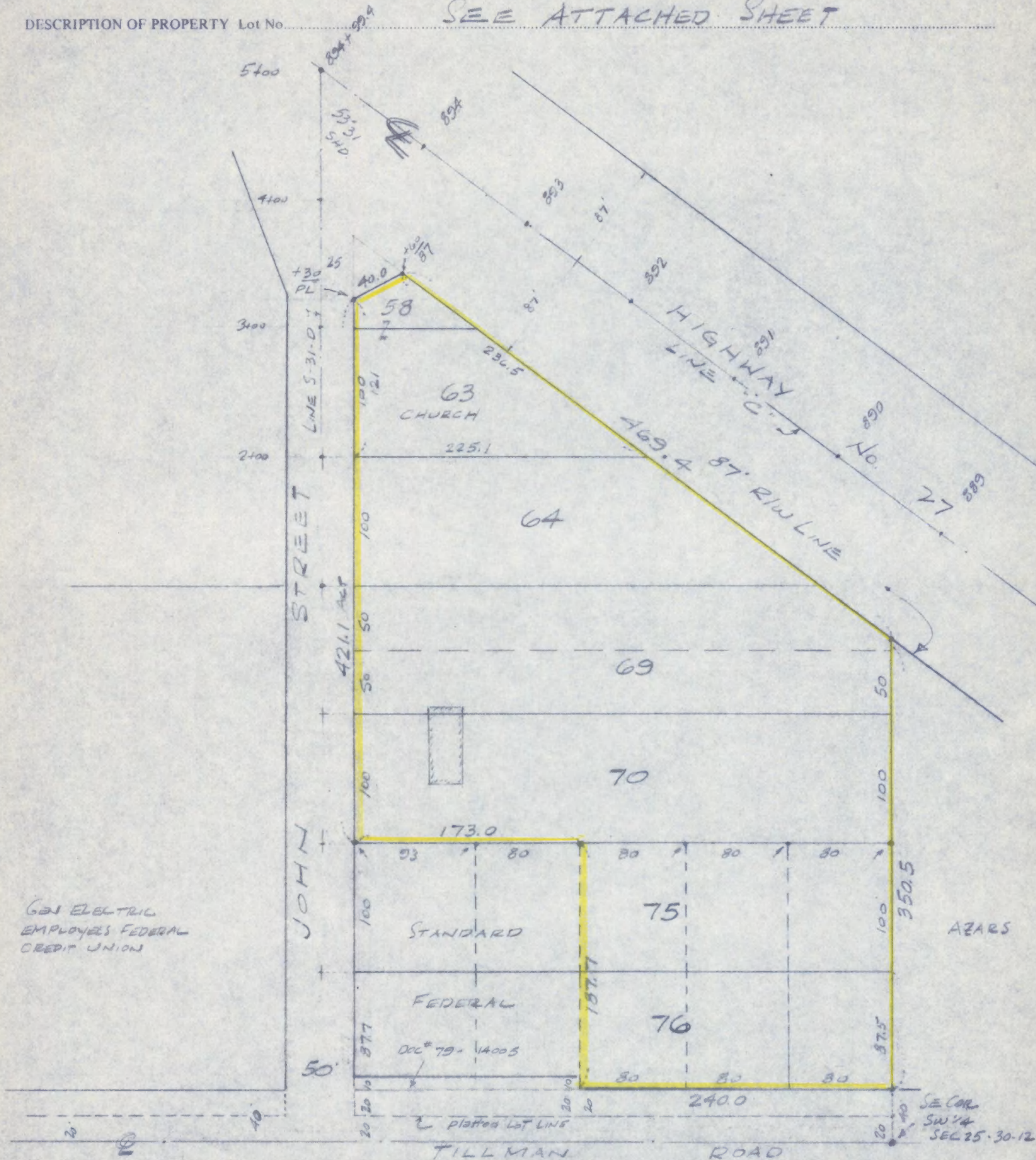
NUMBER

**CIVIL ENGINEERS & LAND SURVEYORS
FORT WAYNE, INDIANA**

WILLIAM S. DAVIS L. S. No. S-0053
L.S. No. 18114 Michigan

DESCRIPTION OF PROPERTY Lot No

SEE ATTACHED SHEET



ZONE "C" (Areas of minimal
flooding) FIRM MAP
Panel 10 City of Ft. Wayne
APRIL 3, 1985

40' R/W DEL RES # 1244-69
OR 717 D286-87
TILLMAN ROAD

IN WITNESS WHEREOF, I place my hand and
seal, this 18th day of MARCH, 1988

Wm S. Davis

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 12, 1988, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-04-10, and;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1988.

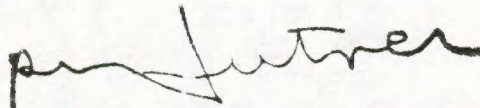
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1988.

Certified and signed this
28th day of July 1988.



Robert Hutner
Secretary

#334

ORIGINAL

ORIGINAL

DIGEST SHEET

Z-8804-10

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 903 E Tillman Road / 7200 & 7300 John Street

EFFECT OF PASSAGE Property is presently zoned RB - Suburban Residential and

B-1-B - Limited Business District. Property will become B-3-B - General Business District

EFFECT OF NON-PASSAGE Property will remain RB - Suburban Residential and

B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-88-04-10

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment
From B-1-B to B-3-B

APPROVAL DEADLINE**REASON****DETAILS**

Specific Location and/or Address 903 E Tillman Road 7200 & 7300 John Street
Reason for Project Auto Dealership
Discussion (Including relationship to other Council actions) <u>18 April 1988 - Public Hearing</u> John Shoaff read a letter of support for this request from Jack E Brown, VP of Standard Federal Bank, which has a branch office adjacent to the property in question into the record. John Clifton, atty, representing Allen County Ford, proposed purchasers stated that his client already held options to buy on all of the real estate up to Lots 58 & 63 of the request, which are owned by Mr. & Mrs. Earl Saylor. Mr. Clifton stated that Allen County Ford wanted to install a retail sales lot for new automobiles and an office on the property. He stated that if the zoning is granted and the sales lot, which would front on Tillman Road, is successful they want the option of putting in a parts and service garage. He stated the service garage would be similar to that as the one on U.S. 24 West, but not as large. Mr. Clifton also presented the Commission with a letter from Alex Azar, who owns and operates an Azar's Restaurant adjacent to the property on the east, in favor of the request. He also presented

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Allen County Ford - proposed purchasers City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

a letter from Mr. & Mrs. Earl Saylor requesting that the zoning be approved. He stated the only proposed curb cuts would be onto Tillman Road, with whatever excel & decel lanes that would be required. He stated that they show one small access on John Street as an escape valve for such things as fire trucks. He stated that a concern of the staff was if the rezoning is granted and the business does not do well the B3B zoning would still be on the property with many varied uses allowed. He stated they would question if the other allowed uses could be handled on the property. He stated their response to this concern, would be the use of a Restrictive Covenant. He stated that by the use of a Restrictive Covenant they would be able to restrict the uses on the property, and by rezoning the entire parcel it would allow for a uniform development of the property.

Janet Bradbury questioned if a restrictive covenant could be placed on the property that Allen County Ford would not own, since some of the land was owned by the Saylor's.

Mr. Clifton stated that it was discussed in concept and felt that Mr. & Mrs. Saylor would join in the covenant. He stated however they had not received an answer from the Saylor's regarding the imposing of a covenant on their land.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

25 April 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation subject to the petitioners meet the following conditions:

- 1) entering into a restrictive covenant, in perpetuity, with the immediately abutting property owners, including the properties abutting the west side of John Street, except the State of Indiana and any owners submitting a letter waiving the right to participate, in a form acceptable to Commission's attorney, restricting the property to B-1-B uses, new car sales, used car sales in conjunction with new cars, and service uses;
- 2) such covenant shall be in a form acceptable to the Plan Commission's attorney, and be recorded at the petitioners expense.

Of the six (6) members present five (5) voted in favor of the recommendation one (1) did not vote, motion carried.

NOTE: This ordinance has been held for conditions to be met. Mr. & Mrs. Saylor did not agree to sign the required restrictive covenant until July 21, 1988.

Project Start

Date
3/18/88

Projected Completion or Occupancy
Patricia Biancaniello

Date
3/13/88

Fact Sheet Prepared by

Date

Reviewed by

7/28/88
Date

Reference or Case Number

7/29/88

BILL NO. Z-88-04-10

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~)X amending the
City of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

YES

NO

<u><i>Mark E. GiaQuinta</i></u>	JANET G. BRADBURY	_____
<u><i>Charles B. Redd</i></u>	CHAIRPERSON	_____
<u><i>David C. Long</i></u>	MARK E. GiaQUINTA	_____
<u><i>Paul M. Burns</i></u>	VICE CHAIRMAN	_____
	CHARLES B. REDD	_____
	DAVID C. LONG	_____
	PAUL M. BURNS	_____

CONCURRED IN 8-9-88.

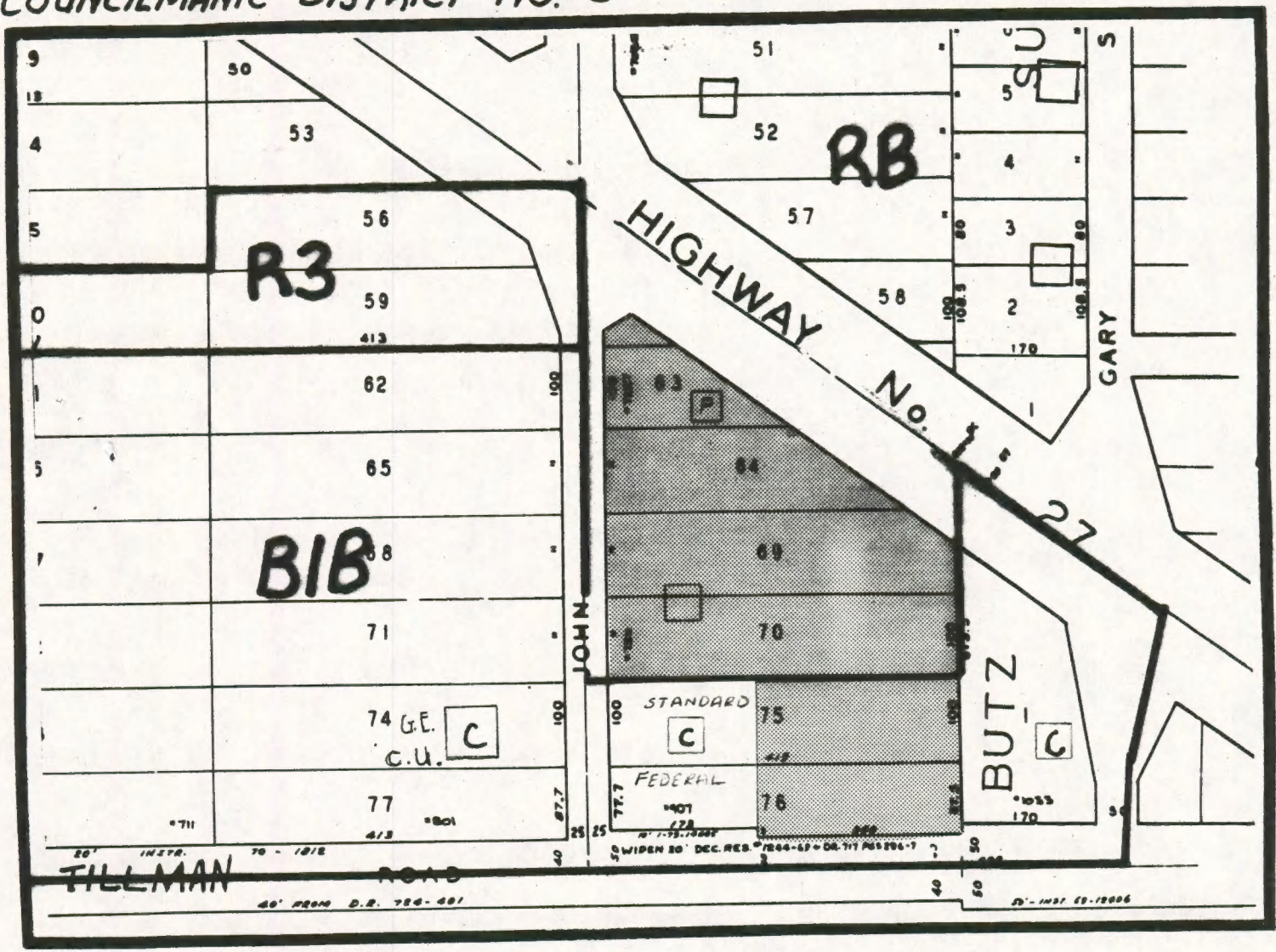
Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

REZONING PETITION #334

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A ~~RB/08~~ DISTRICT TO AN B3B DISTRICT.

MAP NO. N-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

- R3 RESIDENTIAL
- RB RESIDENCE 'B'
- BIB LIMITED BUSINESS 'B'

LAND USE:

- ☐ SINGLE FAMILY
- ☒ COMMERCIAL
- ☒ PUBLIC-CHURCH

SCALE: 1" = 200'

DATE: 3-29-88

